

REMARKS

Claims 1-20 are pending in the instant application. No claims have been added. No claims have been cancelled by the instant amendment. Therefore, upon entry of this instant Amendment, claims 1-20 will be pending.

Reconsideration of this application, in view of the foregoing amendments and the following remarks, is respectfully requested.

Claim Rejections - 35 USC § 103

The claims are rejected under 35 U.S.C. §103(a) as being unpatentable over Ketchum et al. (US Patent Publication 2003/0108117) in view of Kamen et al. (Fundamentals of and Systems Using Web and MATLAB, second edition, Prentice Hall 2000, page 186 -187), and further in view of Barry et al. (US Patent Publication 2003/0031264). Applicant respectfully traverse this rejection.

In order to sustain a rejection under 35 U.S.C. §103(a) there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. To establish a *prima facie* case of obviousness based on a combination of elements disclosed in the prior art, the Examiner must articulate the (technically valid) basis on which it concludes that it would have been obvious to make the claimed invention. In practice, this requires that the Examiner "explain the reasons one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious. This entails consideration of both the "scope and content of the prior art" and "level of ordinary skill in the pertinent art" aspects of the Graham test. *IN RE LEONARD R. KAHN*, 441 F.3d 977 (Fed. Cir. 2006). Inferences and creative steps that a person of ordinary skill in the art would employ can be used. The combination of familiar elements

according to known methods is likely to be obvious when it does no more than yield predictable results. *KSR INT'L CO. v. TELEFLEX INC.* 127 S. Ct. 1727 (2007). The Examiner has failed to show that the combination of the cited references would yield predictable results. The claimed combination of elements of the Applicants' is not a "predictable use of prior art elements according to their established functions. in absence of the invention (hindsight), those having ordinary skilled in the art would not think of combining the elements claimed.

The Examiner writes that "[i]t is well-known in the art that the convolution in time domain is equivalent to multiplication in frequency domain."

Applicants respectfully disagree. A point multiplication in the FFT domain is not equivalent to a convolution it is equivalent to a circular convolution. The whole reasoning behind OFDM is to get to a circular convolution for ease of implementation in the frequency domain. While Kethum seems to be deriving a linear convolutional pulse shape.

Applicants believe this application and the claims herein to be in a condition for allowance and respectfully requests a Notice of Allowance. Please charge any additional fees, or credit overpayment to Deposit Account No. 20-0668. Should the Examiner have further inquiry concerning these matters, please contact the below named attorney for Applicants.

Respectfully submitted:

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